

**ASSEMBLY, No. 3235**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 25, 2020

**Sponsored by:**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**SYNOPSIS**

Provides for county-municipal courts with limited, countywide jurisdiction.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT providing for county-municipal courts with limited,  
2 countywide jurisdiction, and amending various parts of the  
3 statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. N.J.S.2B:12-1 is amended to read as follows:

9 2B:12-1. Establishment of municipal courts.

10 a. Every municipality shall establish a municipal court. If a  
11 municipality fails to maintain a municipal court or does not enter  
12 into an agreement pursuant to subsection b. **[or]**, c. or f. of this  
13 section, the Assignment Judge of the vicinage shall order violations  
14 occurring within its boundaries heard in any other municipal court  
15 in the county until such time as the municipality establishes and  
16 maintains a municipal court. The municipality without a municipal  
17 court shall be responsible for all administrative costs specified in  
18 the order of the Assignment Judge pending the establishment of its  
19 municipal court.

20 b. Two or more municipalities, by ordinance, may enter into an  
21 agreement establishing a single joint municipal court and providing  
22 for its administration. A copy of the agreement shall be filed with  
23 the Administrative Director of the Courts. As used in **[this act]**  
24 N.J.S.2B:12-1 et seq., "municipal court" includes a joint municipal  
25 court.

26 c. Two or more municipalities, by ordinance or resolution, may  
27 agree to provide jointly for courtrooms, chambers, equipment,  
28 supplies and employees for their municipal courts and agree to  
29 appoint judges and administrators without establishing a joint  
30 municipal court. Where municipal courts share facilities in this  
31 manner, the identities of the individual courts shall continue to be  
32 expressed in the captions of orders and process.

33 d. An agreement pursuant to subsection b. **[or]**, c. or f. of this  
34 section may be terminated as provided in the agreement. If the  
35 agreement makes no provision for termination, it may be terminated  
36 by any party with reasonable notices and terms as determined by the  
37 Assignment Judge of the vicinage.

38 e. (1) Any county of the first class with a population of over  
39 900,000 and a population density of less than 4,000 persons per  
40 square mile according to the 2010 federal decennial census may  
41 establish, by ordinance, a central municipal court, which shall be an  
42 inferior court of limited jurisdiction, to adjudicate cases filed by  
43 agents of the county health department, agents of the county office  
44 of consumer affairs, members of the county police department and  
45 force, county park police system, or sheriff's office, or other cases

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 within its jurisdiction referred by the vicinage Assignment Judge  
2 pursuant to the Rules of Court, and provide for its administration.  
3 A copy of that ordinance shall be filed with the Administrative  
4 Director of the Courts. As used in **【this act】** N.J.S.2B:12-1 et seq.,  
5 "municipal court" includes a central municipal court.

6 **【f.】** (2) Nothing in P.L.2015, c.103 shall require a county that  
7 has established and maintained a central municipal court in  
8 accordance with this subsection **【e. of N.J.S.2B:12-1】** prior to the  
9 date of the enactment of P.L.2015, c.103 to re-establish that court.

10 (3) On and after the effective date of P.L. , c. (pending  
11 before the Legislature as this bill), any county that has established  
12 and maintained a central municipal court in accordance with this  
13 subsection may, by ordinance, provide for that court to adjudicate  
14 all matters for which a county-municipal court has jurisdiction  
15 pursuant to subsection f. of this section, and re-designate the court  
16 as a central county-municipal court. A copy of that ordinance shall  
17 be filed with the Administrative Director of the Courts. As used in  
18 N.J.S.2B:12-1 et seq., "municipal court" and "county-municipal  
19 court" includes a central county-municipal court.

20 f. (1) (a) Any county may establish, by ordinance, a county-  
21 municipal court, which shall be an inferior court of limited  
22 jurisdiction, adjudicating all matters for which a municipal court  
23 has jurisdiction pursuant to N.J.S.2B:12-17 et seq., plus all civil  
24 actions, exclusive of professional malpractice, probate, and matters  
25 cognizable in the Family Part of the Chancery Division of the  
26 Superior Court, seeking legal relief when the amount in controversy  
27 does not exceed \$15,000, as well as all summary landlord-tenant  
28 actions. The ordinance shall provide an initial date on which the  
29 court shall begin hearing matters. A copy of the ordinance shall be  
30 filed with the Administrative Director of the Courts. As used in  
31 N.J.S.2B:12-1 et seq., "municipal court" includes a county-  
32 municipal court.

33 (b) Pursuant to N.J.S.22A:2-43, in civil causes all fees, charges,  
34 and costs for the county-municipal court shall be the same as  
35 provided by law for similar services for the Special Civil Part of the  
36 Superior Court, Law Division.

37 (c) Whenever the term "Special Civil Part of the Superior Court,  
38 Law Division," or some similar reference to the Special Civil Part  
39 occurs in any law, rule, regulation, order, contract, document,  
40 judicial or administrative proceeding, or otherwise, the same shall  
41 also be deemed to mean or refer to the "county-municipal court"  
42 established by a county, unless otherwise expressly provided or its  
43 meaning clearly appears from the context to only mean or refer to  
44 the Special Civil Part.

45 (2) Each municipality in a county that has established a county-  
46 municipal court shall agree, by ordinance enacted and implemented  
47 no later than two years next following the date on which that court

1 will initially begin hearing matters, to have violations occurring  
2 within its boundaries heard in that court. The municipality shall not  
3 be responsible for any administrative costs associated with the  
4 operation and maintenance of facilities used by the court or its  
5 employees. If a municipality fails to agree, within the time period  
6 set forth in this paragraph, to have violations heard by the county-  
7 municipal court, the Assignment Judge of the vicinage shall order,  
8 pursuant to subsection a. of this section, that violations occurring  
9 within the municipality's boundaries be heard in the county-  
10 municipal court, and the municipality be responsible for all  
11 administrative costs specified in the order until such time as the  
12 municipality agrees to have violations heard by that court.

13 (a) If a municipality had previously established a municipal  
14 court, the municipality shall, in the ordinance agreeing to have  
15 violations heard in the county-municipal court, specify the date on  
16 which the previously established municipal court will be abolished  
17 and thereafter all violations heard in the county-municipal court.  
18 The date set forth in the ordinance shall be no more than one year  
19 next following the date on which the ordinance is enacted. It shall  
20 not be necessary for each municipality within the territorial  
21 jurisdiction of the county-municipal court to establish the same date  
22 for abolishing its previously established municipal court and  
23 initially having violations heard in the county-municipal court. The  
24 county-municipal court may begin hearing matters even though less  
25 than all of the municipalities have abolished their municipal courts  
26 and begun having cases heard in the county-municipal court.

27 (b) On the date established by a municipality in its ordinance for  
28 abolishing a previously established municipal court and initially  
29 having violations heard in the county-municipal court:

30 (i) all causes and proceeding of whatever character pending in  
31 the municipal court shall be transferred, along with the files for  
32 those causes and proceedings, to the county-municipal court; and

33 (ii) all the functions, powers, and duties conferred on the  
34 municipal court abolished by the ordinance, to the extent not  
35 inconsistent with the functions, powers, and duties of the county-  
36 municipal court, shall be transferred to and may be exercised by the  
37 county-municipal court.

38 (c) All files for causes and proceedings not transferred to the  
39 county-municipal court pursuant to subparagraph (b) of this  
40 paragraph, and all books, papers, records, and documents, along  
41 with all office equipment, furnishing, and other property of the  
42 municipal court abolished by the ordinance shall be disposed of by  
43 the municipality in a manner set forth in that ordinance, or one or  
44 more subsequent ordinances.

45 (cf: P.L.2015, c.103, s.1)

46

47 2. N.J.S.2B:12-2 is amended to read as follows:

48 2B:12-2. Name of court.

1 The name of a municipal court of a single municipality shall be  
2 the "Municipal Court of (insert name of municipality)." The name  
3 of a joint municipal court shall be specified in the ordinances  
4 establishing the court. The name of a county-municipal court shall  
5 be the "County-Municipal Court of (insert name of county)" and  
6 shall be specified in the ordinance establishing the court. The name  
7 of a central municipal court shall be the "Central Municipal Court  
8 of the County of (insert name of county)" and shall be specified in  
9 the ordinance establishing the court.

10 (cf: P.L.1996, c.95, s.2)

11  
12 3. N.J.S.2B:12-4 is amended to read as follows:

13 2B:12-4. Judge of municipal court; term of office; appointment.

14 a. Each judge of a municipal court shall serve for a term of  
15 three years from the date of appointment and until a successor is  
16 appointed and qualified. Any appointment to fill a vacancy not  
17 caused by the expiration of a term shall be made for the unexpired  
18 term only. However, if a county or municipality requires by  
19 ordinance that the judge of the municipal court devote full time to  
20 judicial duties or limit the practice of law to non-litigated matters,  
21 the first appointment after the establishment of that requirement  
22 shall be for a full term of three years.

23 b. In municipalities governed by a mayor-council form of  
24 government, the municipal court judge shall be appointed by the  
25 mayor with the advice and consent of the council. Each judge of a  
26 joint municipal court shall be nominated and appointed by the  
27 Governor with the advice and consent of the Senate. In all other  
28 municipalities, the municipal judge shall be appointed by the  
29 governing body of the municipality.

30 c. In a county that has established a central municipal court,  
31 the judge of the central municipal court shall be nominated and  
32 appointed by the Governor with the advice and consent of the  
33 Senate. In those counties having a county executive, the county  
34 executive may submit the names of judicial candidates for judge of  
35 the central municipal court to the Governor. In all other counties,  
36 the governing body may submit the names of judicial candidates for  
37 judge of the central municipal court to the Governor.

38 d. In a county that has established a county-municipal court,  
39 the judge of the county-municipal court shall be nominated and  
40 appointed by the Governor with the advice and consent of the  
41 Senate. In those counties having a county executive, the  
42 Governor's nominee shall be selected from a list of three names to  
43 be considered for judge of the county-municipal court submitted by  
44 the county executive to the Governor. In all other counties, the  
45 Governor's nominee shall be selected from a list of three names to  
46 be considered for judge of the county-municipal court submitted by  
47 the governing body of the county to the Governor.

48 (c.f. P.L.1996, c.95, s.3)

1       4. N.J.S.2B:12-10 is amended to read as follows:

2       2B:12-10. Municipal court administrator and personnel. a. **[A]**

3       (1) Except as provided in paragraph (2) of this subsection, a county  
4       or municipality shall provide for an administrator and other  
5       necessary employees for the municipal court and for their  
6       compensation. With approval of the Supreme Court, an employee  
7       of the county or municipality, in addition to other duties, may be  
8       designated to serve as administrator of the municipal court.

9       (2) A county with a county-municipal court may provide for an  
10       administrator and other necessary employees for the county-  
11       municipal court and for their compensation, or may permit, by  
12       agreement with the Administrative Office of the Courts, for that  
13       court's operation by employees and staff of the Superior Court  
14       working in the same facility in which the county-municipal court is  
15       located, as required by N.J.S.2B:12-15.

16       b. The judge of a municipal court may designate in writing an  
17       acting administrator or deputy administrator to serve temporarily  
18       for an absent administrator or deputy administrator until the absent  
19       administrator or deputy administrator returns or a new administrator  
20       or deputy administrator is appointed. The acting administrator or  
21       acting deputy administrator shall be paid at a rate established by the  
22       judge but not exceeding that established for the administrator or  
23       deputy administrator.

24       (cf: P.L.1996, c.95, s.9)

25

26       5. N.J.S.2B:12-15 is amended to read as follows:

27       2B:12-15. Courtrooms and equipment.

28       Suitable courtrooms, chambers, offices, equipment and supplies  
29       for the municipal court, its administrator's office and its violations  
30       bureau shall be provided by the municipality, or by a county that  
31       has established a central municipal court. A county that has  
32       established a county-municipal court shall provide one or more  
33       suitable courtrooms, chambers, offices, equipment and supplies for  
34       the county-municipal court in the same facility where it supplies,  
35       pursuant to N.J.S.2B:6-1, these items for the processing and  
36       decision of cases from that county in the Law Division and the  
37       Family Part of the Chancery Division of the Superior Court.

38       (cf: P.L.1996, c.95, s.10)

39

40       6. N.J.S.2B:12-16 is amended to read as follows:

41       2B:12-16. Territorial jurisdiction.

42       a. A municipal court of a single municipality shall have  
43       jurisdiction over cases arising within the territory of that  
44       municipality except as provided in section 10 of P.L.1997, c.357  
45       (C.27:25-5.15). A joint municipal court shall have jurisdiction over  
46       cases arising within the territory of any of the municipalities which  
47       the court serves. The territory of a municipality includes any  
48       premises or property located partly in and partly outside of the

1 municipality. A county-municipal court or central municipal court  
2 shall have jurisdiction over cases arising within the territorial  
3 boundaries of the county.

4 b. A municipal court judge, serving as an acting judge in any  
5 other municipal court in the county, may also hear matters arising  
6 out of that other court, while sitting in the court where the acting  
7 judge holds a regular appointment.  
8 (cf: P.L.1997, c.357, s.13)

9  
10 7. Section 14 of P.L.1996, c.95 (C.2B:12-27) is amended to  
11 read as follows:

12 14. **【The】** a. Except as provided in subsection b. of this section,  
13 the governing body of the county or municipality may employ an  
14 attorney-at-law as a prosecutor, under the supervision of the  
15 Attorney General or county prosecutor, who may represent the  
16 State, county or municipality in any matter within the jurisdiction of  
17 the central municipal court or any other municipal court in  
18 accordance with the provisions of P.L.1999, c.349 (C.2B:25-  
19 1 et al.).

20 b. The county prosecutor shall represent the State, the county,  
21 or the municipality in the prosecution of all offenses within the  
22 jurisdiction of the county-municipal court. The county prosecutor  
23 shall act in accordance with the provisions of P.L.1999, c.349  
24 (C.2B:25-1 et al.).  
25 (cf: P.L.1999, c.349, s.11)

26  
27 8. N.J.S.2B:12-30 is amended to read as follows:

28 2B:12-30. Automated Traffic System Fund.

29 a. The Legislature finds and declares that there is a need to  
30 improve the management, efficiency and effectiveness of municipal  
31 court operations and quality of justice by providing funds:

32 (1) To be utilized by the Administrative Office of the Courts to  
33 design, equip, operate and maintain a standardized, Statewide  
34 computer system, including integrated traffic ticket control, court  
35 financial accounting, case processing, statistical reporting services  
36 and other components necessary to automate municipal court  
37 operations; and

38 (2) To ensure the smooth exchange of automated information  
39 among the Judiciary, the **【Division of】** Motor **【Vehicles】** Vehicle  
40 Commission, law enforcement agencies, other public or quasi-  
41 public agencies, or those autonomous systems approved by the  
42 Administrative Office of the Courts pursuant to subsection d. of this  
43 section.

44 b. In order to accomplish these purposes, there is created the  
45 "Automated Traffic System Fund." The fund shall be a dedicated  
46 fund within the General Fund and administered by the  
47 Administrative Office of the Courts. The fund shall be the

1 depository of moneys realized from [the \$1.00 surcharge imposed  
2 pursuant to section 6 of P.L.1990, c.95 (C.2A:8-21.1),] the \$2.00  
3 court cost assessment imposed pursuant to subsection a. of N.J.S.  
4 22A:3-4 and any other moneys made available for the purposes of  
5 the fund.

6 c. The Supreme Court may issue Rules of Court to effectuate  
7 the purposes of this act.

8 d. Nothing in this section shall be deemed to prevent a  
9 municipality or county, at its own expense, from maintaining or  
10 obtaining and using an autonomous computer system for integrated  
11 traffic ticket control, court financial accounting, case processing,  
12 statistical reporting services and other components necessary to  
13 automate municipal court operations that interconnects with the  
14 Automated Traffic System, its components and computer network,  
15 upon the approval of the Administrative Office of the Courts, in  
16 accordance with the following:

17 (1) An autonomous system shall only be approved for  
18 interconnection with the Automated Traffic System (ATS) when it  
19 meets all technical interconnection requirements, standardized data  
20 definitions and functionality of the Automated Traffic System,  
21 including its criminal and ordinance violation components,  
22 necessary to: fully automate municipal court operations in  
23 accordance with law, court rule or administrative directive;  
24 maintain and update on-line the standardized Statewide data base  
25 and its electronic traffic and criminal warrant components; and  
26 provide for on-line inquiry and exchange of automated data,  
27 consistent with the purposes expressed in subsection a. of this  
28 section.

29 (2) A municipality or county that obtains and uses an  
30 autonomous system, approved for interconnection with the  
31 Automated Traffic System, shall retain, from the date of  
32 interconnection, one-half the full amount of that portion of the court  
33 cost assessment imposed and collected on and after that date for  
34 payment into the Automated Traffic System Fund, pursuant to  
35 subsection a. of N.J.S.22A:3-4. The retained court cost assessment  
36 shall be used by the municipality or county to offset the operating  
37 costs of its autonomous system, including costs to maintain  
38 compliance with the interconnection requirements of the Automated  
39 Traffic System. A municipality or county shall be entitled only to  
40 retain those court cost assessments for as long as its autonomous  
41 system continues to meet the update and other requirements of  
42 paragraph (1) of subsection d. of this section.

43 (3) That portion of the court cost assessment, imposed pursuant  
44 to subsection a. of N.J.S.22A:3-4 and retained by the State, shall be  
45 used for the purposes described in subsection a. of this section  
46 including: the State's costs, within the Automated Traffic System,  
47 of developing and maintaining interconnection with an autonomous



1 system; the maintenance, improvement and updating of the  
2 Automated Traffic System, its components and the standardized  
3 Statewide data base; and the procurement and maintenance of hand-  
4 held data entry devices and related equipment for use by parking  
5 authorities or parking agencies who choose to be directly serviced  
6 by the Automated Traffic System. The Administrative Office of the  
7 Courts may obtain either directly, through the Statewide master  
8 contract process, or as otherwise provided by law, automation  
9 services or equipment including hand-held, ticket-issuing devices  
10 and printers for use by those parking authorities or parking agencies  
11 to facilitate the exchange of automated information and maintain  
12 the efficiency of the standardized Statewide computer system.

13 (4) An autonomous computer system used by a municipality  
14 shall be interconnected with the Automated Traffic System and its  
15 components by January 1, 1997. An autonomous computer system  
16 used by a county that establishes a county-municipal court pursuant  
17 to N.J.S.2B:12-1 shall be interconnected with the Automated  
18 Traffic System and its components by the fourth anniversary next  
19 following the date of the court's establishment. The Administrative  
20 Office of the Courts shall, at no cost to the municipality or county,  
21 install and maintain the telecommunication line and the court's  
22 modem to permit the municipal court to provide for the on-line  
23 exchange of automated information with the Automated Traffic  
24 System and its components. The Administrative Office of the  
25 Courts shall maintain sufficient capacity on its mainframe computer  
26 to incorporate the standardized data of that municipal court into the  
27 Statewide record system, including the Statewide traffic and  
28 criminal warrant systems. Any municipality that fails to maintain  
29 and use an autonomous computer system that meets the  
30 requirements of this subsection by January 1, 1997 shall be  
31 implemented on ATS directly. Any county that fails to maintain  
32 and use an autonomous computer system that meets the  
33 requirements of this subsection by the fourth anniversary next  
34 following the establishment date of that county's county-municipal  
35 court shall be implemented on ATS directly. After **[that date]**  
36 those dates, municipal courts operating on ATS retain full  
37 discretion to either continue on ATS or subsequently obtain and use  
38 an autonomous system approved for interconnection.

39 (5) Nothing in this section shall preclude the Administrative  
40 Office of the Courts from immediately terminating, on an  
41 emergency basis, without notice, any interconnection with an  
42 autonomous system whose continued operation at any time  
43 immediately threatens or has compromised the security or data  
44 integrity of the Automated Traffic System, any of its components or  
45 any of the public and quasi-public agencies that exchange  
46 automated information with the Automated Traffic System,  
47 pursuant to paragraph (2) of subsection a. of this section. The  
48 municipality or county shall immediately be provided with written

1 reasons for the termination, which shall continue until the threats to  
2 security and data integrity have been removed.

3 (6) **【If there is any disagreement between the municipality and**  
4 **the Administrative Office of the Courts concerning the standards for**  
5 **the exchange of automated information set forth in this section, the**  
6 **municipality or the Administrative Office of the Courts may seek**  
7 **the advice of the New Jersey Information Resources Management**  
8 **Commission established pursuant to P.L.1993, c.199 (C.52:9XX-1**  
9 **et seq.).】** (Deleted by amendment, P.L. , c. ) (pending before the  
10 Legislature as this bill)

11 (7) Any municipal or county contract related to the operation of  
12 an autonomous computer system shall be subject to review, audit  
13 and the policies of the Division of Local Government Services in  
14 accordance with **【N.J.S.40A:11-1 et seq. including the auditing**  
15 **standards of the Division of Local Government Services relating to**  
16 **the processing of transactions by servicing organizations pursuant**  
17 **to section 6 of P.L.1972, c.112 (C.40A:11-12.6)】** P.L.1971, c.198  
18 (C.40A:11-1 et seq.). All contracts between municipalities or  
19 counties and private service providers shall require compliance with  
20 the provisions of this section.

21 (8) The Administrative Office of the Courts shall promulgate  
22 administrative procedures necessary to accomplish the purposes of  
23 this subsection.

24 e. By April 1, 1996, a special committee shall be established to  
25 review the adequacy of funding for the Automated Traffic System  
26 and the Automated Complaint System and the extent to which  
27 autonomous computer system interconnections have been requested  
28 and successfully completed. The committee may recommend to  
29 what extent, if any, the funding level should be adjusted and the  
30 need for any further legislative action. The special committee shall  
31 be comprised of seven members as follows: one Senator appointed  
32 by the President of the Senate; one member of the General  
33 Assembly appointed by the Speaker of the General Assembly; the  
34 Director of the Administrative Office of the Courts or his designee;  
35 the president of the New Jersey League of Municipalities or his  
36 designee; the president of the New Jersey Municipal Court  
37 Administrators Association or his designee; the president of the  
38 New Jersey Municipal Managers Association or his designee and  
39 the president of the New Jersey Association of Parking Authorities  
40 and Agencies or his designee. The committee shall report its  
41 findings to the Legislature by September 30, 1996.

42 (cf: N.J.S.2B:12-30)

43  
44 9. Section 2 of P.L.1999, c.349 (C.2B:25-2) is amended to read  
45 as follows:

46 2. As used in this act:

1 a. "Municipal prosecutor" means: (1) a person appointed to  
2 prosecute all offenses over which the municipal court has  
3 jurisdiction; or (2) the county prosecutor in any county that has  
4 established a county-municipal court.

5 b. "Governing body" of a county or municipality means the  
6 officer or body that is the appropriate appointing authority for  
7 county counsel, municipal attorney or corporation counsel under the  
8 laws applicable to the form of county or municipal government  
9 established in the county or municipality pursuant to law, provided  
10 that the municipal corporation counsel shall be the appointing  
11 authority in any city of the first class with a population greater than  
12 270,000, according to the latest federal decennial census and in any  
13 city of the second class with a population of greater than 30,000 but  
14 less than 43,000, according to the latest decennial census, which  
15 city of the second class is located in a county of the first class with  
16 a population less than 600,000 according to the latest federal  
17 decennial census.

18 c. "Municipal court" means any municipal **[or]** joint  
19 municipal, county-municipal, or central municipal court established  
20 pursuant to statute.

21 d. "Attorney General" includes the Attorney General of New  
22 Jersey and any assistants or deputies who may be designated to  
23 carry out the responsibilities conferred on the Attorney General by  
24 this act or the laws of this State.

25 e. "County prosecutor" shall mean the prosecutor of the county  
26 in which the municipal court is situated and any assistant  
27 prosecutors of that county who may be designated by this act.  
28 (cf: P.L.1999, c.349, s.2)  
29

30 10. Section 4 of P.L.1999, c.349 (C.2B:25-4) is amended to read  
31 as follows:

32 4. a. Each municipal court in this State, other than a county-  
33 municipal court, shall have at least one municipal prosecutor  
34 appointed by the governing body of the municipality, municipalities  
35 or county in accordance with applicable laws, ordinances and  
36 resolutions. The county prosecutor shall act as the municipal  
37 prosecutor to prosecute all offenses over which a county-municipal  
38 court has jurisdiction.

39 b. **[A]** An appointed municipal prosecutor shall be an attorney-  
40 at-law of this State in good standing, and shall serve for a term of  
41 one year from the date of his or her appointment, except as  
42 determined by the governing body of a county or a city of the first  
43 class with a population greater than 270,000, according to the latest  
44 federal decennial census, or the governing body of a city of the  
45 second class with a population of greater than 30,000 but less than  
46 43,000, according to the latest decennial census, which city of the  
47 second class is located in a county of the first class with a

1 population less than 600,000 according to the latest federal  
2 decennial census, and may continue to serve in office pending re-  
3 appointment or appointment of a successor. A municipal prosecutor  
4 may be appointed to that position in one or more municipal courts.  
5 The provisions of this act shall apply to each such position held.

6 c. (1) A municipal prosecutor of a joint municipal court shall  
7 be appointed upon the concurrence of the governing bodies of each  
8 of the municipalities in accordance with applicable laws, ordinances  
9 or resolutions.

10 (2) A municipal prosecutor of a central municipal court shall be  
11 appointed by the governing body of the county.

12 d. **【Municipal】** Appointed municipal prosecutors shall be  
13 compensated either on an hourly, per diem, annual or other basis as  
14 the county, municipality or municipalities provide. In the case of a  
15 joint municipal court, municipalities shall, by similar ordinances,  
16 enter into an agreement fixing the compensation of the municipal  
17 prosecutor and providing for its payment. In the case of a central  
18 municipal court, the county shall fix the compensation of the  
19 municipal prosecutor and provide for its payment.

20 The compensation of appointed municipal prosecutors shall be in  
21 lieu of any and all other fees; provided, however that when a  
22 municipal prosecutor is assigned to prosecute a de novo appeal in  
23 the Superior Court, the prosecutor shall be entitled to additional  
24 compensation unless the municipality expressly provides otherwise  
25 at the time the compensation is fixed.

26 e. In accordance with applicable laws, ordinances and  
27 resolutions, a municipality may appoint additional municipal  
28 prosecutors as necessary to administer justice in a timely and  
29 effective manner in its municipal court. Such appointments shall be  
30 subject to this act. This subsection also applies to joint municipal  
31 courts and central municipal courts.

32 f. Any municipal court having two or more municipal  
33 prosecutors shall have a "chief municipal prosecutor" who shall be  
34 appointed by the governing body of the county or the municipality.  
35 The chief municipal prosecutor of a joint municipal court shall be  
36 appointed upon the concurrence of the governing bodies of each  
37 municipality. The chief municipal prosecutor shall have authority  
38 over other prosecutors serving that court with respect to the  
39 performance of their duties.

40 g. (1) Nothing in this act shall affect the appointment of  
41 municipal attorneys in accordance with N.J.S.40A:9-139; provided,  
42 however, that a person appointed to the positions of both municipal  
43 prosecutor and municipal attorney shall be subject to all of the  
44 provisions of this act while serving in the capacity of municipal  
45 prosecutor.

46 (2) In addition to any other duties proscribed by the provisions  
47 of this act, a person serving as both a municipal prosecutor and a

1 municipal attorney may prosecute county or municipal ordinance  
2 violations.

3 (cf: P.L.1999, c.349, s.4)

4

5 11. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read  
6 as follows:

7 3. a. All fines, assessments imposed pursuant to section 2 of  
8 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
9 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
10 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
11 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
12 penalties imposed pursuant to section 1 of P.L.2009, c.143  
13 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
14 P.L.2013, c.214 (C.30:4-123.97) and restitution shall be collected as  
15 follows:

16 (1) All fines, assessments imposed pursuant to section 2 of  
17 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
18 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
19 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
20 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
21 penalties imposed pursuant to section 1 of P.L.2009, c.143  
22 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
23 P.L.2013, c.214 (C.30:4-123.97) and restitution imposed by the  
24 Superior Court or otherwise imposed at the county level, shall be  
25 collected by the county probation division except when such fine,  
26 assessment or restitution is imposed in conjunction with a custodial  
27 sentence to a State correctional facility or in conjunction with a  
28 term of incarceration imposed pursuant to section 25 of P.L.1982,  
29 c.77 (C.2A:4A-44) in which event such fine, assessment or  
30 restitution shall be collected by the Department of Corrections or  
31 the Juvenile Justice Commission established pursuant to section 2  
32 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State  
33 correctional institution or a juvenile serving a term of incarceration  
34 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)  
35 who has not paid an assessment imposed pursuant to section 2 of  
36 P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to  
37 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
38 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty  
39 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a  
40 penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-  
41 123.97) or restitution shall have the assessment, penalty, fine or  
42 restitution deducted from any income the inmate receives as a result  
43 of labor performed at the institution or on any type of work release  
44 program or, pursuant to regulations promulgated by the  
45 Commissioner of the Department of Corrections or the Juvenile  
46 Justice Commission, from any personal account established in the  
47 institution for the benefit of the inmate.

1 (a) A payment of restitution collected by the Department of  
2 Corrections pursuant to this paragraph shall be maintained by the  
3 department for two years during which the department shall attempt  
4 to locate the victim to whom the restitution is owed. If the  
5 department has not located the victim and the victim has not come  
6 forward to claim the payment within this two-year period, the  
7 payment shall be transferred to the Victims of Crime Compensation  
8 Office Account to be used in satisfying claims pursuant to the  
9 provisions of the "Criminal Injuries Compensation Act of 1971,"  
10 P.L.1971, c.317 (C.52:4B-1 et seq.).

11 (b) If the Department of Corrections has transferred a payment  
12 of restitution to the Victims of Crime Compensation Office  
13 pursuant to subparagraph (a) of this paragraph, the department shall  
14 provide the office with the order for restitution and any other  
15 information regarding the identity of the victim to whom the  
16 payment is owed. The office shall be responsible for maintaining  
17 this information and for distributing payments of restitution to  
18 victims who can prove they are owed the payments.

19 (2) All fines, assessments imposed pursuant to section 2 of  
20 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to  
21 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed  
22 by a municipal court shall be collected by the municipal court  
23 administrator, except if such fine, assessments imposed pursuant to  
24 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered  
25 as a condition of probation, in which event it shall be collected by  
26 the county probation division.

27 b. Except as provided in subsection c. of this section with  
28 respect to fines imposed on appeals following convictions in  
29 municipal courts and except as provided in subsection i. of this  
30 section with respect to restitution imposed under the provisions of  
31 P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines imposed by the  
32 Superior Court or otherwise imposed at the county level, shall be  
33 paid over by the officer entitled to collect same to:

34 (1) The county treasurer with respect to fines imposed on  
35 defendants who are sentenced to and serve a custodial term,  
36 including a term as a condition of probation, in the county jail,  
37 workhouse or penitentiary except where such county sentence is  
38 served concurrently with a sentence to a State institution; or

39 (2) The State Treasurer with respect to all other fines.

40 c. All fines imposed by municipal courts, except a county-  
41 municipal court or central municipal court established pursuant to  
42 N.J.S.2B:12-1, on defendants convicted of crimes, disorderly  
43 persons offenses and petty disorderly persons offenses, and all fines  
44 imposed following conviction on appeal therefrom, and all  
45 forfeitures of bail shall be paid over by the officer entitled to collect  
46 same to the treasury of the municipality wherein the municipal  
47 court is located.

1 In the case of an intermunicipal court, other than a county-  
2 municipal court, fines shall be paid into the municipal treasury of  
3 the municipality in which the offense was committed, and costs,  
4 fees, and forfeitures of bail shall be apportioned among the several  
5 municipalities to which the court's jurisdiction extends according to  
6 the ratios of the municipalities' contributions to the total expense of  
7 maintaining the court.

8 In the case of a county-municipal court, established by a county  
9 and agreed to by the municipalities of that county pursuant to  
10 N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be  
11 paid into the county treasury of the county where the county-  
12 municipal court is located, to defray the cost of operating the  
13 county-municipal court.

14 In the case of a central municipal court, established by a county  
15 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of  
16 bail shall be paid into the county treasury of the county where the  
17 central municipal court is located.

18 d. All assessments imposed pursuant to section 2 of P.L.1979,  
19 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided  
20 in that section.

21 e. All mandatory Drug Enforcement and Demand Reduction  
22 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded  
23 and deposited as provided for in that section.

24 f. All forensic laboratory fees assessed pursuant to  
25 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in  
26 that section.

27 g. All restitution ordered to be paid to the Victims of Crime  
28 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded  
29 to the office for deposit in the Victims of Crime Compensation  
30 Office Account.

31 h. All assessments imposed pursuant to section 11 of P.L.1993,  
32 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided  
33 in that section.

34 i. All restitution imposed on defendants under the provisions  
35 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law  
36 enforcement entity in extraditing the defendant from another  
37 jurisdiction shall be paid over by the officer entitled to collect same  
38 to the law enforcement entities which participated in the extradition  
39 of the defendant.

40 j. All penalties imposed pursuant to section 1 of P.L.1999,  
41 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided  
42 in that section.

43 k. All penalties imposed pursuant to section 11 of P.L.2001,  
44 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in  
45 that section.

46 l. All mandatory penalties imposed pursuant to section 1 of  
47 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as  
48 provided in that section.

1 m. All mandatory Computer Crime Prevention penalties  
2 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)  
3 shall be forwarded and deposited as provided in that section.

4 n. All mandatory Sex Offender Supervision penalties imposed  
5 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be  
6 forwarded and deposited as provided in that section.  
7 (cf: P.L.2015, c.55, s.1)

8  
9 12. R.S.39:5-41 is amended to read as follows:

10 39:5-41. a. All fines, penalties and forfeitures imposed and  
11 collected under authority of law for any violations of R.S.39:4-63  
12 and R.S.39:4-64 shall be forwarded by the judge to whom the same  
13 have been paid to the proper financial officer of a county, if the  
14 violation occurred within the jurisdiction of that county's county-  
15 municipal court or central municipal court **[.]** established pursuant  
16 to N.J.S.2B:12-1 et seq., or the municipality wherein the violation  
17 occurred, to be used by the county or municipality to help finance  
18 litter control activities in addition to or supplementing existing litter  
19 pickup and removal activities in the municipality.

20 b. Except as otherwise provided by subsection a. of this  
21 section, all fines, penalties and forfeitures imposed and collected  
22 under authority of law for any violations of the provisions of this  
23 Title, other than those violations in which the complaining witness  
24 is the chief administrator, a member of his staff, a member of the  
25 State Police, a member of a municipal or county police department  
26 and force, a county park police system, or a sheriff's office in a  
27 county that has established a county-municipal or central municipal  
28 court, an inspector of the Board of Public Utilities, or a law  
29 enforcement officer of any other State agency, shall be forwarded  
30 by the judge to whom the same have been paid as follows: one-half  
31 of the total amount collected to the financial officer, as designated  
32 by the local governing body, of the respective municipalities  
33 wherein the violations occurred, to be used by the municipality for  
34 general municipal use and to defray the cost of operating the  
35 municipal court; and one-half of the total amount collected to the  
36 proper financial officer of the county wherein they were collected,  
37 to be used by the county as a fund for the construction,  
38 reconstruction, maintenance and repair of roads and bridges, snow  
39 removal, the acquisition and purchase of rights-of-way, and the  
40 purchase, replacement and repair of equipment for use on said roads  
41 and bridges therein. Up to 25% of the money received by a  
42 municipality pursuant to this subsection, but not more than the  
43 actual amount budgeted for the municipal court, whichever is less,  
44 may be used to upgrade case processing.

45 All fines, penalties and forfeitures imposed and collected under  
46 authority of law for any violations of the provisions of this Title, in  
47 which the complaining witness is a member of a municipal or  
48 county police department and force, a county park police system, or



1 a county sheriff's office in a county that has established a county-  
2 municipal court, shall be forwarded by the judge to whom the same  
3 have been paid to the financial officer, designated by the governing  
4 body of the county, to defray the cost of operating the county-  
5 municipal court.

6 All fines, penalties and forfeitures imposed and collected under  
7 authority of law for any violations of the provisions of this Title, in  
8 which the complaining witness is a member of a county police  
9 department and force, a county park police system, or a county  
10 sheriff's office in a county that has established a central municipal  
11 court, shall be forwarded by the judge to whom the same have been  
12 paid to the financial officer, designated by the governing body of  
13 the county, for all violations occurring within the jurisdiction of that  
14 court, to be used for general county use and to defray the cost of  
15 operating the central municipal court.

16 Whenever any county has deposited moneys collected pursuant  
17 to this section in a special trust fund in lieu of expending the same  
18 for the purposes authorized by this section, it may withdraw from  
19 said special trust fund in any year an amount which is not in excess  
20 of the amount expended by the county over the immediately  
21 preceding three-year period from general county revenues for said  
22 purposes. Such moneys withdrawn from the trust fund shall be  
23 accounted for and used as are other general county revenues.

24 c. (Deleted by amendment, P.L.1993, c.293.)

25 d. Notwithstanding the provisions of subsections a. and b. of  
26 this section, \$1 shall be added to the amount of each fine and  
27 penalty imposed and collected through a court under authority of  
28 any law for any violation of the provisions of Title 39 of the  
29 Revised Statutes or any other motor vehicle or traffic violation in  
30 this State and shall be forwarded by the person to whom the same  
31 are paid to the State Treasurer. In addition, upon the forfeiture of  
32 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.  
33 The State Treasurer shall annually deposit those moneys so  
34 forwarded in the "Body Armor Replacement" fund established  
35 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning  
36 in the fiscal year next following the effective date of this act, the  
37 State Treasurer annually shall allocate from those moneys so  
38 forwarded an amount not to exceed \$400,000 to the Department of  
39 the Treasury to be expended exclusively for the purposes of funding  
40 the operation of the "Law Enforcement Officer Crisis Intervention  
41 Services" telephone hotline established and maintained under the  
42 provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1  
43 and C.26:2NN-2).

44 e. Notwithstanding the provisions of subsections a. and b. of  
45 this section, \$1 shall be added to the amount of each fine and  
46 penalty imposed and collected through a court under authority of  
47 any law for any violation of the provisions of Title 39 of the  
48 Revised Statutes or any other motor vehicle or traffic violation in

1 this State and shall be forwarded by the person to whom the same  
2 are paid to the State Treasurer. The State Treasurer shall annually  
3 deposit those moneys so forwarded in the "New Jersey Spinal Cord  
4 Research Fund" established pursuant to section 9 of P.L.1999, c.201  
5 (C.52:9E-9). In order to comply with the provisions of Article VIII,  
6 Section II, paragraph 5 of the State Constitution, a municipal or  
7 county agency which forwards moneys to the State Treasurer  
8 pursuant to this subsection may retain an amount equal to 2% of the  
9 moneys which it collects pursuant to this subsection as  
10 compensation for its administrative costs associated with  
11 implementing the provisions of this subsection.

12 f. Notwithstanding the provisions of subsections a. and b. of  
13 this section, \$1 shall be added to the amount of each fine and  
14 penalty imposed and collected through a court under authority of  
15 any law for any violation of the provisions of Title 39 of the  
16 Revised Statutes or any other motor vehicle or traffic violation in  
17 this State and shall be forwarded by the person to whom the same  
18 are paid to the State Treasurer. The State Treasurer shall annually  
19 deposit those moneys so forwarded in the "Autism Medical  
20 Research and Treatment Fund" established pursuant to section 1 of  
21 P.L.2003, c.144 (C.30:6D-62.2).

22 g. Notwithstanding the provisions of subsections a. and b. of  
23 this section, \$3 shall be added to the amount of each fine and  
24 penalty imposed and collected by a court under authority of any law  
25 for any violation of the provisions of Title 39 of the Revised  
26 Statutes or any other motor vehicle or traffic violation in this State  
27 and shall be forwarded by the person to whom the same are paid to  
28 the State Treasurer. The State Treasurer shall annually deposit  
29 those moneys so forwarded in the "New Jersey Forensic DNA  
30 Laboratory Fund" established pursuant to section 7 of P.L.2003,  
31 c.183 (C.53:1-20.28a). Prior to depositing the moneys into the  
32 fund, the State Treasurer shall forward to the Administrative Office  
33 of the Courts an amount not to exceed \$475,000 from moneys  
34 initially collected pursuant to this subsection to be used exclusively  
35 to establish a collection mechanism and to provide funding to  
36 update the Automated Traffic System Fund created pursuant to  
37 N.J.S.2B:12-30 to implement the provisions of this subsection.

38 h. Notwithstanding the provisions of subsections a. and b. of  
39 this section, \$1 shall be added to the amount of each fine and  
40 penalty imposed and collected under authority of any law for any  
41 violation of the provisions of Title 39 of the Revised Statutes or any  
42 other motor vehicle or traffic violation in this State and shall be  
43 forwarded by the person to whom the same are paid to the State  
44 Treasurer. The State Treasurer shall annually deposit those moneys  
45 so forwarded in the "New Jersey Brain Injury Research Fund"  
46 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).  
47 The Administrative Office of the Courts may retain an amount  
48 equal to \$475,000 from the moneys which it initially collects

1 pursuant to this subsection, prior to depositing any moneys in the  
2 "New Jersey Brain Injury Research Fund," in order to meet the  
3 expenses associated with utilizing the Automated Traffic System  
4 Fund created pursuant to N.J.S.2B:12-30 to implement the  
5 provisions of this subsection and serve other statutory purposes.

6 i. Notwithstanding the provisions of subsections a. and b. of  
7 this section, all fines and penalties imposed and collected under  
8 authority of law for any violation related to the unlawful operation  
9 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-  
10 17.1) shall be forwarded by the judge to whom the same have been  
11 paid to the State Treasurer, if the complaining witness is the chief  
12 administrator, a member of his staff, a member of the State Police,  
13 an inspector of the Board of Public Utilities, or a law enforcement  
14 officer or other official of any other State agency; or, if the  
15 complaining witness is not one of the foregoing, one-half to the  
16 chief financial officer of the county and one-half to the chief  
17 financial officer of the municipality wherein the violation occurred.  
18 (cf: P.L.2018, c.47, s.4)

19  
20 13. Section 10 of P.L.1997, c.357 (C.27:25-5.15) is amended to  
21 read as follows:

22 10. A complaint for a violation of any of the provisions of this  
23 act may be filed with a court having jurisdiction, at any time within  
24 one year after the commission of the violation. When a person has  
25 been charged with a violation of this act and summoned to appear,  
26 upon failure to appear, in addition to any other provisions of law or  
27 the Rules Governing the Courts of the State of New Jersey, a  
28 warrant for the arrest of the person may issue. All proceedings  
29 shall be brought before a municipal, joint municipal, county-  
30 municipal, or central municipal court having jurisdiction in the  
31 municipality in which it is alleged that the violation occurred, but  
32 when a violation occurs on a moving conveyance operated by the  
33 corporation through two or more municipalities, then the  
34 proceeding may be brought before the court having jurisdiction in  
35 any one of the municipalities through which the conveyance has  
36 traversed.

37 (cf: P.L.1997, c.357, s.10)

38  
39 14. Section 11 of P.L.1997, c.357 (C.27:25-5.16) is amended to  
40 read as follows:

41 11. A violation of the provisions of this act or any rules or  
42 regulations adopted pursuant to this act by the corporation shall be  
43 punishable by a civil penalty not exceeding \$100, in addition to  
44 court costs, enforced in a summary proceeding pursuant to **["the**  
45 **penalty enforcement law," N.J.S.2A:58-1 et seq.]** the "Penalty  
46 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
47 The Rules Governing the Courts of the State of New Jersey shall

1 govern the practice and procedure in such proceedings.  
2 Notwithstanding any other law to the contrary, the court shall remit  
3 50% of any civil penalty imposed to the corporation for use in  
4 furtherance of any of the purposes of this act and 50% shall be  
5 forwarded to the proper financial officer of the local government  
6 entity in which the municipal, joint municipal, county-municipal, or  
7 central municipal court has been established to be used for the local  
8 government entity to defray the cost of operating the court and for  
9 general government use.

10 (cf: P.L.1997, c.357, s.11)

11  
12 15. Section 37 of P.L.2000, c.126 (C.40:23-6.53) is amended to  
13 read as follows:

14 37. The governing body of any county may enter into a contract  
15 with a private agency or firm for the purpose of collecting  
16 delinquent fees, fines, costs, surcharges, and other penalties or  
17 assessments imposed, after a final determination of guilt, by a  
18 central municipal court established pursuant to subsection e. of  
19 N.J.S.2B:12-1, or a county-municipal court established pursuant to  
20 subsection f. of that section. The use of private agencies or firms to  
21 collect delinquent fees, fines, costs, surcharges and other penalties  
22 or assessments imposed by a central municipal court or county-  
23 municipal court shall be in accordance with rules or procedures  
24 adopted by the Supreme Court. Any such contract shall be made  
25 pursuant to the provisions of the "Local Public Contracts Law,"  
26 P.L.1971, c.198 (C.40A:11-1 et seq.). The governing body of any  
27 county may authorize the assessment of a fee by a private agency or  
28 firm not to exceed **【22%】** 22 percent of the amount collected to be  
29 paid by the debtor to the private agency or firm to pay for the costs  
30 of collection.

31 (cf: P.L.2009, c.233, s.2)

32  
33 16. This act shall take effect on the first day of the fourth month  
34 next following enactment, except that the Administrative Office of  
35 the Courts may take any anticipatory administrative action in  
36 advance of the effective date as shall be necessary to implement the  
37 provisions of this act.

## 40 STATEMENT

41  
42 This bill would provide for a new type of municipal court, to be  
43 known as a "county-municipal court." It would have some  
44 similarities in its operation to joint municipal courts that may be  
45 established by two or more municipalities pursuant to subsection b.  
46 of N.J.S.2B:12-1, but would be established by a county governing  
47 body, and the municipalities in that county would agree, by

1 ordinance, to have violations occurring within their municipal  
2 boundaries heard in the new court.

3 Any county could establish a county-municipal court. The new  
4 court would be an inferior court of limited jurisdiction, adjudicating  
5 all matters for which a municipal court currently has jurisdiction  
6 pursuant to N.J.S.2B:12-17 et seq., such as violations of county and  
7 municipal ordinances, and motor vehicle and traffic laws, plus all  
8 civil actions currently adjudicated in the Special Civil Part of the  
9 Superior Court, Law Division (generally civil actions with damages  
10 not exceeding \$15,000 and summary landlord-tenant actions).

11 In addition to existing municipal court costs collected in  
12 connection with the prosecution of violations, whenever the court  
13 heard a civil action, all filing and other fees, charges, and costs for  
14 the county-municipal court would, pursuant to N.J.S.22A:2-43, be  
15 the same as provided by law for similar services for the Special  
16 Civil Part.

17 As to the court's creation, a county would establish its new court  
18 by ordinance, and that ordinance would provide an initial date on  
19 which the court would begin hearing matters. The county would be  
20 responsible for providing one or more suitable courtrooms,  
21 chambers, offices, equipment and supplies for the county-municipal  
22 court in the same county courthouse utilized by the Superior Court  
23 in that county. The county could either provide for an administrator  
24 and other necessary employees for the county-municipal court and  
25 for their compensation, or permit, by agreement with the  
26 Administrative Office of the Courts, for the court's operation by  
27 employees and staff of the Superior Court located in the same  
28 courthouse.

29 Each municipality within a county that establishes a county-  
30 municipal court would have to agree, by ordinance enacted and  
31 implemented no later than two years next following the date on  
32 which the new court would initially begin hearing matters, to have  
33 violations occurring within its municipal boundaries heard in the  
34 new court. The municipality would not be responsible for any  
35 administrative costs associated with the operation and maintenance  
36 of the new court. However, if a municipality failed to agree within  
37 the two-year period to have violations heard by the new court, the  
38 Assignment Judge of the vicinage for the county would order that  
39 any violations occurring in the non-compliant municipality be heard  
40 in the new court, and the municipality would be responsible for all  
41 administrative costs specified in the judge's order until such time as  
42 it agreed to have violations heard by that court.

43 If a municipality had previously established a municipal court,  
44 the municipality would, in the ordinance joining with the county-  
45 municipal court, specify a date on which the previously established  
46 municipal court will be abolished and thereafter all violations heard  
47 in the new court. The date set forth in the ordinance could be no  
48 more than one year next following the date on which the ordinance

1 is enacted. It would not be necessary for all of the county's  
2 municipalities to coordinate their court's abolishment and joining  
3 with the new county-municipal court to be the same date, as the  
4 new court could begin hearing matters even though less than all of  
5 the municipalities of the county had abolished their municipal  
6 courts and begun having cases heard in the new court.

7 On the date established by a municipality in its ordinance for  
8 abolishing its previously established court and initially having  
9 violations heard in the new court: (1) all causes and proceeding of  
10 whatever character pending in the municipal court would be  
11 transferred, along with the files for those causes and proceedings, to  
12 the county-municipal court; and (2) all the functions, powers, and  
13 duties conferred on the municipal court abolished by the ordinance,  
14 to the extent not inconsistent with the functions, powers, and duties  
15 of the county-municipal court, would be transferred to and could be  
16 exercised by the county-municipal court. All files for causes and  
17 proceedings not transferred to the new court, and all books, papers,  
18 records, and documents, along with all office equipment,  
19 furnishing, and other property of the municipal court abolished by  
20 the ordinance would be disposed of by the municipality in a manner  
21 set forth in that abolishing ordinance, or one or more subsequent  
22 ordinances.

23 The nomination and appointment of judges of a county-  
24 municipal court, being a court with jurisdiction extending to more  
25 than one municipality, would be done by the Governor with the  
26 advice and consent of the Senate, as required by the State  
27 Constitution under Article VI, Section VI, paragraph 1. Depending  
28 upon the type of county government involved in the establishment  
29 of the new court, either the county executive or the county  
30 governing body would be authorized to submit names of judicial  
31 candidates to the Governor for consideration as a potential nominee.  
32 The county prosecutor would act as the municipal prosecutor to  
33 prosecute all offenses over which a county-municipal court has  
34 jurisdiction.

35 Since the new county-municipal court would hear violations of  
36 motor vehicle and traffic laws, the bill would permit an establishing  
37 county to use the State's Automated Traffic System that is now  
38 used by existing municipal courts to exchange information and  
39 assist with court financial accounting, case processing, statistical  
40 reporting services, and other components of automated municipal  
41 court operations.

42 Lastly, as to all costs, fines, fees and forfeitures of bail imposed  
43 by a county-municipal court, these would generally be paid to the  
44 county treasury of the county where the court is located, to defray  
45 the county's cost of operating the court.